

Maryland Council for New Americans
Government Access Working Group
Minutes Draft

March 19, 2009 1-3 pm
Bethel Korean Presbyterian Church
Kien Lee, Chair

Brief introductions. In attendance: Karla Silvestre, Kien Lee, Anis Ahmed, Pat Hatch, Walter Lee, Anna White, Joe Muth, Sonia Lee, Michelle Romney, Angela Lagdameo, Jessie Mejia, Adam Ortiz, Benoy Thomas, Myron Quon.

Thank you to Pastor Walter Lee for hosting and providing refreshments. Minutes from previous meeting were adopted.

Presentation: Language Access: Legal Requirements, Compliance and Implementation

Paul Uyehara, Coordination and Review Section, Civil Rights Div., DOJ, presented on subject. Law, etc: Title VI Statute: "No person in the United States shall, on the ground of race, color, or *national origin*, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving *Federal financial assistance*." Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d. Executive Order 13166 (2000, aboard AF1) Set plan for *federal* services to LEPs and provided guidance for federal *grantees*. Guidances set standards for grantees and provides approach to compliance. These cover: Federally conducted programs (EO), State/local government grantees (T. VI), Non-governmental organizations/grantees (T. VI),

Title VI key concepts include providing LEP's "meaningful access" to programs and benefits, taking reasonable steps. The burden is on service on provider, not LEP client.

The guidance considers four main factors: Language population served, Frequency of LEP contact, Nature of service, and Resources available & costs of access. There is a wide spectrum of implementation, depending on localities resources. Methods of enforcement are both complaint driven and subject of compliance reviews.

Discussion: Development of Recommendations Related to Language Access

Highlights of discussion:

1. Agreed that the best way to provide 'meaningful service' is that agencies should strive to provide direct service in second language, immediately through bilingual personnel rather than a third party.
2. Working group's recommendations can find much grounding in federal guidance;
3. Education is needed across state and local agencies of existing statutes, regulations, and guidance (these statutes should not put on posters and used as 'wallpaper');
4. There is a wide spectrum permitted in govts providing 'meaningful access';

5. The onus is on government to help bridge language gaps. A helpful accessibility analogy to ADA – “the government doesn’t ask the disabled to build their own ramps up stairways”;
6. The goal is that MD has incorporated all national best practices -that the “outcomes of service is the same for limited English proficient persons”;
7. Discussion included consensus to establish a plan, written policies, and protocols to ensure that agencies stay on the ball. This should be reinforced through annual trainings and keeping language data.
8. All agencies need to develop a LEP performance plan or update an existing one (which may be several years old), written policies, and protocols for implementation; some entity with authority need to ensure follow through ;
9. Agency LEP plans should be posted on internet, reviewed each year by the human rights commission or other agency, and also reviewed by the legislature;
10. Incorporation into Statestat measurements of bilingual staff for customer service oriented positions, and such qualifications should be written into appropriate MS22s (official job descriptions/classifications);
11. Track LEP customer service exactly as we track gender, race, etc for EEO compliance; there should also be an estimate communicated in reporting of percentage of clients from various language groups (a category for ‘native language’);
12. All of the state’s work regarding new immigrants should be well discussed through various ethnic media outlets, this should be a focus each year for agencies and the governor’s communications team;
13. Ensure that innovations and reforms through this work are sustained through future administrations – this is not a temporary political issue but an issue of federal compliance and American values.

Subgroup Updates and recommendations

These agenda items were tabled to next meeting.

Next meeting, April 3 at 2 pm at Montgomery County Office of Community Partnerships: 255 Rockville Pike, Suite 102, Rockville, MD 20850. Directions:

<http://www.montgomerycountymd.gov/cpstmpl.asp?url=/content/EXEC/partnerships/about/directions.asp>

Adjourn